

Message Text

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ACTION AF-08

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 DHA-02

/057 W

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R 261513Z AUG 76

FM AMEMBASSY ACCRA

TO SECSTATE WASHDC 4132

INFO AMEMBASSY LAGOS

AMEMBASSY LOME

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E.O. 11652: NA

TAGS: PINT GH PINS

SUBJECT: KOFI AWOONOR'S TRIAL CONTINUES

REF: ACCRA 6031

1. KOFI AWOONOR'S TRIAL ON CHARGES OF HARBORING BRIGADIER KATTAH AND HELPING HIM ESCAPE MOVED BEHIND CLOSED DOORS AUGUST 25 TO HEAR TESTIMONY FROM TWO PROSECUTION WITNESSES WHO HAVE BEEN CALLED BECAUSE OF DEFENSE CHARGES THAT A STATEMENT AWOONOR MADE TO POLICE JANUARY 10 WAS OBTAINED THROUGH THE THREAT OF VIOLENCE. THE PROSECUTION IS SEEKING TO HAVE THE STATEMENT INTRODUCED AS EVIDENCE AT THE TRIAL. THE PROSECUTION ASKED THE COURT TO SIT IN CAMERA SO AS NOT TO DESTROY THE EFFECTIVENESS OF THE WITNESSES WHO ARE APPARENTLY UNDERCOVER SECURITY OPERATIVES. AWOONOR'S COUNSEL PROTESTED THE MOVE, BUT HE WAS OVERRULED.

2. IN AN EARLIER SESSION, THE COURT HEARD TESTIMONY FROM A PROSECUTION WITNESS WHO SAID AWOONOR WAS WITH BRIGADIER KATTAH WHEN KATTAH ASKED THE WITNESS TO DRIVE HIM INTO TOGO FROM THE GHANAIAN BORDER TOWN OF AFLAO. LATER, A STATEMENT AWOONOR MADE TO SPECIAL BRANCH INVESTIGATORS DECEMBER 31 WAS READ. IN THE STATEMENT AWOONOR SAID THAT ALTHOUGH HE AND KATTAH HAD A SERIES OF

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DISCUSSIONS ABOUT THE FUTURE OF GHANA, KATTAH NEVER SPOKE TO HIM

ABOUT A MILITARY TAKEOVER. AWOONOR'S ATTORNEY OBJECTED TO THE STATEMENT BEING READ BECAUSE AWOONOR WAS IN CUSTODY AT THE TIME IT WAS TAKEN AND HE HAD NOT BEEN WARNED THAT IT MIGHT BE USED AGAINST HIM. THERE WAS NO SUGGESTION THAT THIS STATEMENT HAD BEEN MADE UNDER DURESS.

3. AWOONOR IS BEING TRIED IN A SPECIAL COURT THAT HAS BEEN SITTING IN ACCRA, WITH THE SAME PRESIDING OFFICER, SINCE SHORTLY AFTER THE COUP IN 1972. THE COURT WAS ESTABLISHED TO HEAR CASES OF MINOR SUBVERSION LIKE SMUGGLING AND HOARDING. THE GOVERNMENT APPARENTLY THINKS AWOONOR'S TRANSGRESSIONS FALL IN THAT CATEGORY. THE SPECIAL COURT APPEARS TO BE A CROSS BETWEEN A MILITARY AND CIVILIAN COURT -- TRAILS ARE CONDUCTED UNDER CIVILIAN LAW, BUT THE PRESIDING OFFICER, A MILITARY MAN WITH A LEGAL BACKGROUND, IS BOTH JUDGE AND JURY.

4. NO MORE HAS BEEN HEARD ON AWOONOR'S PETITION TO BE RELEASED ON BAIL AND IT SEEMS LIKELY THAT HE WILL REMAIN IN CUSTODY FOR THE DURATION. LINEHAN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: GOVERNMENT OVERTHROW, TRIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 26 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976ACCRA06358
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760328-0096
From: ACCRA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760819/aaaaapme.tel
Line Count: 79
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION AF
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 ACCRA 6031
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 23 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 JUN 2004 by ellisoob>; APPROVED <13 OCT 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: KOFI AWOONOR'S TRIAL CONTINUES
TAGS: PINT, PINS, GH, (AWOONOR, KOFI)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006